

THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-06-0117 - Time Insurance 2

REQUEST:

C14-06-0117 - Time Insurance 2 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. First reading approved on January 11, 2007. Vote: 7-0. Second reading approved December 6, 2007 Vote 7-0. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.

The site is an undeveloped 1.67 acre tract along the north bound frontage road of IH-35. The original request was for limited industrial – planned development area (LI-PDA), however that request has been amended community commercial-mixed use-conditional overlay (GR-MU-CO).

This case is closely related to case C14-04-0030 to the east.

A valid petition of 23.73% has been filed in opposition to the request. See attachment.

OWNER/APPLICANT: Schuler Family Trust 1998 (John Schuler)

AGENT: Thrower Design (Ron Thrower)

DATE OF FIRST READING: January 11, 2007

DATE OF SECOND READING: December 6, 2007

CITY COUNCIL HEARING DATE: January 10, 2008

CITY COUNCIL ACTION:

January 11, 2007: The public hearing was closed and the first reading of the ordinance for limited industrial service-planned development area (LI-PDA) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.

December 6, 2008 GR-MU-CO approved on 2nd reading with conditions on a 7-0 vote.

CASE MANAGER: Robert Heil e-mail address: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0117 Time Insurance II

PC Date: August 8, 2006
August 22, 2006
September 12, 2006

ADDRESS: 1317 East Riverside Drive and 1220 South IH-35 (northbound service road)

AREA: 1.674 acres

OWNER/APPLICANT: Schuler Family Trust (John Schuler)

AGENT: Thrower Design (Ron Thrower)

ZONING FROM: GR-MU **TO:** LI-PDA

ISSUES: A valid petition has been filed at 23.73% opposition

STAFF RECOMMENDATION:

Staff recommends denial of the request. The request is not consistent with the purpose statement of the district sought.

PLANNING COMMISSION RECOMMENDATION:

July 25, 2006: Postponed until August 22, 2006 at the request of staff.

August 22, 2006: Postponed to September 12,, 2006 at the request of staff.

September 12, 2006:

APPROVED LI-PDA-CO ZONING WITH CONDITIONS OF:

- PROHIBIT ALL AUTOMOTIVE RELATED USES (RENTAL, SALES, WASHING OR REPAIR);
- PROHIBIT PAWNSHOP SERVICES;
- PROHIBIT SERVICE STATIONS;
- PROHIBIT DRIVE-THRU SERVICES AS AN ACCESSORY USE;
- PROHIBIT MOTOR VEHICLE ACCESS TO MANLOVE STREET;
- ALL RESIDENTIAL UNITS ARE TO BE CONDOMINIUMS FOR SALE;
- DUMPSTERS AND SERVICE AREAS WILL BE CONTAINED WITHIN THE BUILDINGS;
- STREETSCAPE IMPROVEMENTS SHALL INCLUDE TREES, BENCHES AND WIDER SIDEWALKS;
- 25-FEET COMPATIBILITY BUFFER WILL BE HEAVILY VEGETATED WITH TREES AND SHRUBS;
- COMMERCIAL SPACE TO HAVE FLEXIBILITY TO BE FINISHED OUT AS OFFICE OR RETAIL;

- SIDWALKS ON IH-35 WILL BE RECONSTRUCTED TO PROVIDE WIDER WALKING PATHS;
- ENTIRE STRUCTURE TO HAVE EQUAL CONSTRUCTION ON ALL SIDES INCLUDING MASONRY ON ALL SIDES;
- NEIGHBORS TO HAVE CONTINUED INVOLVEMENT WITH A SITE PLAN FOR THE DEVELOPMENT OF THE PROPERTY;
- ACCESS TO PROPERTY WOULD BE LIMITED TO TWO DRIVEWAYS TO E. RIVERSIDE AND ONE DRIVEWAY TO IH-35, ALL POINTS OF ACCESS TO HAVE INTERCONNECTIVITY TO ALLOW ACCESS TO ALL DEVELOPMENT TO BOTH ROADWAYS; NO ACCESS IS ALLOWED TO SUMMIT STREET;
- E. RIVERSIDE BUILDING – 50% OF THE BUILDING TO BE 3 STORY AND 50% TO BE 4 STORY STRUCTURE, PARKING TO BE CONTAINED WITHIN TWO LEVEL STRUCTURE THAT WILL NOT EXCEED THE HEIGHT OF THE BLUFF;
- IH-35 BUILDING – 2 STORY STRUCTURE WITH UNDERGROUND PARKING;
- BOTH RETAINING WALLS ARE REMOVED AND THE SITE IS EXCAVATED TO THE STREET LEVEL;
- NO COMMERCIAL DEVELOPMENT IN AREA THAT EXTENDS INTO NEIGHBORHOOD;
- TREE MITIGATION FOR ALL PROTECTED TREES REMOVED BY EXCAVATION TO BE REPLACED AT 100%;
- LIMIT THE DEVELOPMENT TO 60-65 UNITS, AND 75,000 SQUARE FEET OF COMMERCIAL SPACE;

ADDED CONDITIONS OF:

- 2000 VEHICLE TRIPS PER DAY;
- 85% IMPERVIOUS COVER;
- 25% GREEN ROOF SPACE;
- INCLUDE SCREENING FOR ALL MECHANICAL EQUIPMENT.

[J.REDDY, M.MOORE 2ND] (6-1) S.KIRK – NAY; P.CAVAZOS,
M.DEALEY – ABSENT

DEPARTMENT COMMENTS:

The site is an undeveloped 1.67 acre tract along the north-bound frontage road of IH-35 and E. Riverside Dr.

The site is currently zoned Community Commercial – Mixed Use (GR-MU). The request is for Limited Industrial – Planned Development Area (LI-PDA). Staff recommends denial of the request. The request is not consistent with the purpose statement of the district sought.

The applicant has stated his intent in requesting the LI-PDA was to allow his project to have no setback along its frontage with IH-35, and to allow the project to be built up to the property line along the west property boundary. In all other respects – site development standards and allowable uses – it would comply with GR-MU standards.

This case is closely related to another case C14-04-0030 to the east. In that case current zoning is SF-3 and LO and the zoning being requested is GR-MU-CO.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GR-MU	Undeveloped
<i>North</i>	MF-6, GO-CO and L-CO	Hotel, to be approved for redevelopment into condos
<i>South</i>	LR and SF-3	Office and Single Family Homes
<i>East</i>	SF-3	Single Family Homes
<i>West</i>	LR (and ROW)	IH-35 Right of Way, Vacant, and office.

AREA STUDY: The site is part of the Riverside neighborhood plan, going to City Council for approval on September 28. The proposed future land use of this plan calls for mixed-use on the site.

TIA: A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

WATERSHED: Town Lake

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

REGISTERED NEIGHBORHOOD AND COMMUNITY ORGANIZATIONS

- East Riverside / Oltorf Neighborhood Planning Team
- South River City Citizens Association (SRCC)
- Southeast Austin Neighborhood Alliance
- The Crossing Gardenhome Owners' Association
- South Austin Trails and Greenbelt Alliance
- People Organized to Defend Earth and her Resources (PODER)
- South Central Coalition
- Austin Neighborhoods Council (ANC)
- Terrell Lane Interceptor Association
- Barton Springs / Edwards Aquifer Conservation District

SCHOOLS: (AISD ISD)

Travis Heights Elementary School

Fulmore Middle School

Travis High School

RELATED CASES

Case	Address	Request	Status
C14-01-0001	1400 block Edgecliff	MF-6	Approved 05/08/01
C14-01-0002	1400 block Edgecliff	MF-6	Approved 05/08/01
C14-06-0053	IH-35 and Riverside Dr	L, GO and MF-6	Approved 7/27/06

ABUTTING STREETS:

Name	ROW	Pavement	Classification
IH 35	Varies	Varies	Major Arterial
Riverside Drive	Varies	Varies	Major Arterial

- Riverside Drive is classified in the Bicycle Plan as a Priority 2 bike route.

There are existing sidewalks along IH 35 and Riverside Drive.

Capital Metro bus service is available along IH 35 and Riverside Drive, although not all the routes that traverse IH-35 can be accessed from the site.

CITY COUNCIL DATE:**ACTION:**

November 30, 2006

Postponed to January 11 at the request of the applicant.

January 11, 2007

Approved LI-PDA (7-0)

July 26, 2007

Postponed to August 23, 2007

August 23, 2007:

Postponed to September 27, 2007

September 27, 2007

Postponed to December 6, 2007

December 6, 2007

2nd reading approved.

December 13, 2007

Postponed to January 10, 2008

January 10, 2008

ORDINANCE READINGS:

1st 01/11/07 2nd 12/06/07 3rd

ORDINANCE NUMBER:

CASE MANAGER: Robert Heil
e-mail address: robert.heil@ci.austin.tx.us

PHONE: 974-2330

EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN

Future Land Use Map - ADOPTED

March 22, 2007 City Council Hearing

NOTE: Land uses designated on this map are not intended to denote the underlying zoning district.

Legend

- Creeks
- Withdrawn-Possible Future Core Transit Corridor
- Withdrawn for Future Consideration
- Rural Residential
- Single-family
- Higher-Density Single Family
- Multi-family
- Commercial
- Mixed Use
- Office
- Mixed Use/Office
- Industry
- Civic
- Open Space
- Transportation
- Utilities
- Excluded from Neighborhood Plan
- Mixed Use Building and/or Neighborhood Urban Center

0 500 1,000 2,000 3,000 4,000 5,000 Feet

This map has been produced by the City of Austin Neighborhood Planning & Zoning Department for the sole purpose of facilitating neighborhood planning. It should not be referred to as an official source of land use or zoning and is not warranted for any other use. No warranty is made regarding its accuracy or completeness.

September 14, 2006
Modified March 12, 2007



Properties with diagonal lines are located within the Waterfront Overlay and are designated as mixed use due to the allowance of both residential and pedestrian-oriented commercial uses.

Conduct a focused corridor study for East Riverside Drive. Refer to Objectives for recommendations.

Mixed Use developments are desired along the south side of East Riverside Drive. Refer to Section Four of the Plan (Objectives) for development patterns.

Maintain a "hard edge" between the traditional single-family neighborhoods (designated in bright yellow) and all adjacent properties with more intense uses along the H-35 corridor.

Preserve commercial uses along both sides of Oltorf Street.

Maintain affordable multifamily housing for seniors

Maintain a "hard edge" between the traditional single-family neighborhoods (designated in bright yellow) and all adjacent properties with more intense uses.

Maintain a "hard edge" between the traditional single-family neighborhoods (designated in bright yellow) and all adjacent properties with more intense uses.

Maintain industrial campus style development

Property is owned by Austin Community College and is excluded from the East Riverside/ Oltorf Combined Neighborhood Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends denial of the request. The request is not consistent with the purpose statement of the district sought.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Limited industrial service (LI) district is the designation for commercial service or limited manufacturing use generally located on a moderately-sized site.

The purpose of the planned development area (PDA) combining district is to (1) provide for industrial and commercial uses in certain industrial and commercial districts, and (2) incorporate the terms of a planned development area agreement into a zoning ordinance following annexation of a property that is subject to a planned development agreement.

2. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The adjoining site, with similar characteristics, case C14-04-0030, has a pending application for GR-MU-CO. Staff supports this request, and believes that GR-MU is an appropriate zoning category for both cases.

Transportation

Additional right-of-way dedication or reservation may be required during the subdivision or site plan process.

The trip generation under the requested zoning is estimated to be 5,531 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

TXDOT review and approval will be required at the time of site plan review, for any access points onto IH 35.

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus	Bike
IH 35	Varies	Varies	Arterial	No	Yes	No
Riverside Drive	Varies	Varies	Arterial	No	Yes	Priority 2

Riverside Drive is classified in the Bicycle Plan as a Priority 2 bike route.

There are existing sidewalks along IH 35 and Riverside Drive.

Capital Metro bus service is available along IH 35 and Riverside Drive, although not all the routes that traverse IH-35 can be accessed from the site.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Harper's Branch Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Site Plan

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

TXDOT review and approval will be required at the time of site plan review, for any access points onto IH 35.

Compatibility Standards

The site is subject to compatibility standards. Along the rear property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.

Additional design regulations will be enforced at the time a site plan is submitted.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable City fees.

Thrower Design

2807 Manchaca Road, Building 2
Austin, Texas 78704
(512) 476-4456 • Fax (512) 476-4454

August 31, 2006

Mr. Greg Guernsey
Director
Neighborhood Planning & Zoning Department
City of Austin,
P.O. Box 1088
Austin, Texas 78767

RE: C14-06-0117
Time Insurance Two
1317 E. Riverside Drive

Dear Mr. Guernsey,

The above referenced zoning case was filed as "LI-PDA" to allow some flexibility in the design envelope of any proposed building.

The site is narrow and backs up to residentially zoned property. Our endeavor for this and the property covered under zoning case number C14-04-0030 is to have the proposed buildings as far from the neighborhood as possible. For the property covered under C14-06-0117 the desire is to lessen the building setback to a point equal to the property line / right-of-way line for IH 35 frontage road. The frontage road pavement is approximately 17'-18' and placing a building along the property line should not cause any issues greater than what is proposed under the soon to be adopted Commercial Design Guidelines. At the corner of IH 35 and E. Riverside is an expansive right-of-way area that is normally vacant and the distance across this area is about 100'. TxDOT does not have any plans to use that area except for the continued use as a staging area for equipment.

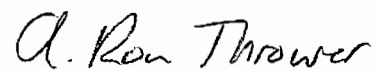
The zero foot setback along the IH 35 frontage of the property is the only condition we are seeking to relax under the "LI-PDA" guidelines and the remainder of the development is to be in equal with the request of the adjoining tract which is for "GR-MU".

L A N D P L A N N E R S

I believe that the neighbors, staff, commission and council would agree that commercial buildings further away from the neighborhood is preferable to commercial buildings that are closer to the neighborhood.

Should you have any questions or need additional information, please call me at my office.

Sincerely,

A handwritten signature in cursive script that reads "A. Ron Thrower".

A. Ron Thrower

PETITION

Case Number:

C14-06-0117

Date:

Jan. 11, 2007

Total Area within 200' of subject tract: (sq. ft.)

435,951.14

1	03-0206-0217	DUCKWORTH MATTIE MAE	9,606.28	2.20%
2	03-0206-0219	FLORES HENRY G & KIMBERLY J	16,488.90	3.78%
3	03-0206-0220	CLARK STEVEN A	19,153.67	4.39%
4	03-0206-0221	JOHN T LACARIA JR	14,292.97	3.28%
5	03-0206-0239	CANUP JAMES W	11,831.73	2.71%
6	03-0206-0242	DE LA LLATA NILDA	14,173.69	3.25%
7	03-0206-0245	JOHN T LACARIA JR	10,176.41	2.33%
8	03-0206-0246	JACKSON WILLIAM	7,711.64	1.77%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

103,435.30

Total %

23.73%

32-34

TOWN LAKE

GO

GO-CO

CS-1

73-160

06-0053
L-CO

06-0053
MF-6-CO

MF-4-CO
01-0002

MF-6
-CO

MF

**CLINIC
GO-NP**

76-53
~~65-33~~

05-0139

GO-CO-NP

SP95-0028C

69-144

77-39
SP-02-0353CS

LO
87-0139B

67-45

~~R87-
139A~~

62-160

VACANT
BLDG
72-299

~~73~~91

SF-3

SF-3

CS RES.

~~SF-3~~

SF

3-NP

OFFICE

LR

LUPINE STREET

SF30

CONDOS


$$1'' = 200'$$

CASE MGR: R. HEIL



• • • • •

PETITIONS

CASE #: C14-06-0117

ADDRESS: 1317 E RIVERSIDE DR

SUBJECT AREA (acres): 1.674

DATE: 07-01

INTLS: SM

CITY GRID
REFERENCE
NUMBER

J20

P E T I T I O N A G A I N S T R E Z O N I N G

To: Austin City Council

Date: 9-5-06

File Number: C14-06-0117

Address of

Rezoning Request: 1317 E. Riverside Dr.

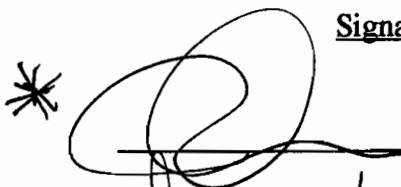

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GR-MU or remove the existing zoning site plans.

1. LI-PDA zoning is incompatible with the abutting single-family homes, does not serve as a suitable transition to single-family use and brings an industrial district into an area that today is primarily a single-family neighborhood of moderately sized lots.
2. LI-PDA zoning removes the existing site plans specifically put in place to protect the established residential neighborhood from further commercial encroachment by addressing height, density and intensity of uses.
3. LI-PDA zoning conflicts with the goals of the East Riverside/Oltorf Combined Neighborhood Plan of protecting and buffering our single-family neighborhoods.
4. Any project built under LI-PDA zoning will worsen the existing parking congestion on Summit and will route industrial and commercial traffic through a residential neighborhood. The proposed project will generate over 4,000 trips per day,¹ the majority of which will be directed onto Summit, a minor residential street incapable of handling increased volume.

Signature

Printed Name

Address

*  William Jackson 1106 W. AMBER
 Kelly McCormick 1495 Inglenood

RECEIVED

SEP 08 2006

Neighborhood Planning & Zoning

¹ See companion Zoning Case No. C14-04-0030, email from Annick Beaudet, Case Manager, dated 7/23/04, concerning TIA.

RECEIVED

P E T I T I O N A G A I N S T R E Z O N I N G

SEP 08 2006

To: Austin City Council
Neighborhood Planning & Zoning

Date: 8-14-06

File Number: C14-06-0117

Address of

Rezoning Request: 1317 E. Riverside Dr.

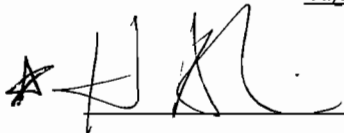
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Signature

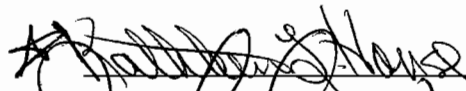
Printed Name

Address

★ 

ARTOUSH OHANIAN

1104 Summit 78741

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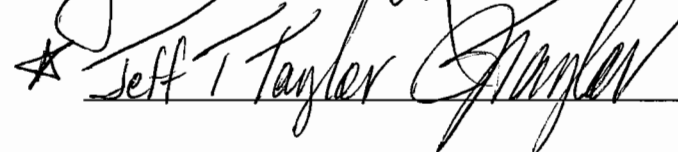
KATHLEEN L. HOUSE

1803 Inglewood 78741

★ 

JOHN THOMAS LACKER

1102 MANLOVE ST. 78744
443-0353

★ 

1104 MANLOVE 443-0353

¹ See companion Zoning Case No. C14-04-0030, email from Annick Beaudet, Case Manager, dated 7/23/04, concerning TIA.

Date: 8-14-06 PETITION AGAINST REZONING

File Number: C14-06-0117 Address of Rezoning Request: 1317 E. Riverside Dr.

RECEIVED

SEP 08 2006

Signature

Printed Name

Address

Neighborhood Planning & Zoning

Dinh

Don Swan

1504 Lepore Lane 78741

* Steven A. Clark STEVEN A. CLARK 1100 Manlove 78741

* Henry G. Flores Henry G. Flores 1101 Manlove 78741

* Mattie Duckworth MATTIE DUCKWORTH 1105 MANLOVE 78741

Carl Braun CARL BRAUN 2506 DARGAS 78741

Malcolm Yeffe Malcolm Yeffe 4811 Allison Cove 385-1952
385-0473

Jan Long Jan Long 2411 Riverside Farms

* Chris Cavello Christopher Cavello 1500 Inglewood 769-1717
78741

Vive Griffith Vive Griffith 1500 Inglewood 136-3594

* P.A. Thomas Patricia A. Thomas 1100 Summit ST 78741
1504 Lepore Lane

* Azalee Gray Snow AZALEE GRAY SNOW 1506 Lepore Lane

Go to next page

Date: 8-14-06 PETITION AGAINST REZONING

File Number: C14-06-0117 Address of Rezoning Request: 1317 E. Riverside Dr.

Signature

Printed Name

Address

<u>Helen Fleming</u>	<u>HELEN FLEMING</u>	<u>2000 BREEZE HOLLOW 78741</u>
<u>Joanie Steinhaus</u>	<u>Joanie Steinhaus</u>	<u>2001 Breeze Hollow 78741</u>
<u>Jeffrey Steinhaus</u>	<u>JEFFREY STEINHAUS</u>	<u>2001 BREEZE Hollow 78741</u>
<u>Rachel Anna Scruggs</u>	<u>Rachel A. Scruggs</u>	<u>1811 Matagorda 78141</u>
<u>Kemp Dixon</u>	<u>KEMP DIXON</u>	<u>1812 MATAGORDA ST.</u>
<u>Mary Jo Good</u>	<u>Mary Jo Good</u>	<u>1706 Windock 78741</u>

RECEIVED

SEP 08 2006

Neighborhood Planning & Zoning

Date: 8/14/06

Contact Name: Toni House
Phone Number: 225-0016

P E T I T I O N A G A I N S T R E Z O N I N G

To: Austin City Council

Date: 1-7-07

File Number: C14-06-0117

Address of

Rezoning Request: 1317 E. Riverside Dr.

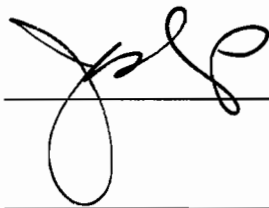
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2. LI-PDA zoning removes the existing site plans specifically put in place to protect the established residential neighborhood from further commercial encroachment by addressing height, density and intensity of uses.
3. LI-PDA zoning conflicts with the goals of the East Riverside/Oltorf Combined Neighborhood Plan of protecting and buffering our single-family neighborhoods.
4. Any project built under LI-PDA zoning will worsen the existing parking congestion on Summit and will route industrial and commercial traffic through a residential neighborhood. The proposed project will generate over 4,000 trips per day,¹ the majority of which will be directed onto Summit, a minor residential street incapable of handling increased volume.

Signature

Printed Name

Address



JAMES W. CANUP

1501 INGLEWOOD ST
AUSTIN, TX 78741

¹ See companion Zoning Case No. C14-04-0030, email from Annick Beaudet, Case Manager, dated 7/23/04, concerning TIA.

Please contact Tom House, 225-0016, if questions.
Thank you.

P E T I T I O N A G A I N S T R E Z O N I N G

To: Austin City Council

Date: 1-10-07

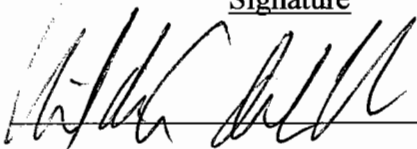
File Number: C14-06-0117

Address of

Rezoning Request: 1317 E. Riverside Dr.

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than GR-MU or remove the existing zoning site plans.

1. LI-PDA zoning is incompatible with the abutting single-family homes, does not serve as a suitable transition to single-family use and brings an industrial district into an area that today is primarily a single-family neighborhood of moderately sized lots.
2. LI-PDA zoning removes the existing site plans specifically put in place to protect the established residential neighborhood from further commercial encroachment by addressing height, density and intensity of uses.
3. LI-PDA zoning conflicts with the goals of the East Riverside/Oltorf Combined Neighborhood Plan of protecting and buffering our single-family neighborhoods.
4. Any project built under LI-PDA zoning will worsen the existing parking congestion on Summit and will route industrial and commercial traffic through a residential neighborhood. The proposed project will generate over 4,000 trips per day,¹ the majority of which will be directed onto Summit, a minor residential street incapable of handling increased volume.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Nilda de la LLATA	1491 Inglewood St Austin TX 78741

¹ See companion Zoning Case No. C14-04-0030, email from Annick Beaudet, Case Manager, dated 7/23/04, concerning TIA.

contact: Toni House
225-0016

Austin City Council

MINUTES [excerpts]

REGULAR MEETING

THURSDAY, JANUARY 11, 2007

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 11, 2006 in the Council Chambers of City Hall, 301 W. 2nd Street, Austin, Texas.

ZONING DISCUSSION ITEMS CONTINUED

78. C14-04-0030 - Time Insurance, Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1405-1415 East Riverside Drive (Town Lake Watershed) from limited office (LO) district zoning and family residence (SF-3) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: Schuler Family Trust 1998 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request. **The public hearing was closed and the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.**

79. C14-06-0117 - Time Insurance 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1317 East Riverside Drive and 1220 IH-35 South (Town Lake Watershed) from community commercial-mixed use (GR-MU) combining district zoning to limited industrial service-planned development area (LI-PDA) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To grant limited industrial service-planned development area (LI-PDA) combining district zoning. Applicant: Schuler Family Trust 1988 (John Schuler). Agent: Thrower Design (Ron Thrower). City Staff: Robert Heil, 974-2330. **The public hearing was closed and the first reading of the ordinance for limited industrial service-planned development area (LI-PDA) combining district zoning was approved on Council Member McCracken's motion, Mayor Wynn's second on a 7-0 vote with the following conditions. The development would meet: Vertical Mixed Use (VMU) requirements, Two Star Green Building Program requirements, and, at a minimum, VMU Affordability Standards.**

16. Zoning: C14-2007-0189.SH - Residences at Onion Creek
Location: 2500 Brandt Road, Onion Creek Watershed
Owner/Applicant: 22.55 Acres Limited (Kenny Dryden)
Agent: Brown McCarroll, L.L.P. (Alison Gardner)
Request: Unzoned (I-RR upon annexation) to MF-3
Staff Rec.: **Recommendation of MF-2-CO with conditions**
Staff: Wendy Rhoades, 974-7719, wendy.rhoades@ci.austin.tx.us
Neighborhood Planning and Zoning Department

**APPROVED STAFF'S RECOMMENDATION OF MF-2-CO ZONING.
[J.MARTINEZ, T.RABAGO 2ND] (7-0) S.HALE – ABSENT**

**- RIGHT-OF-WAY FOR BRANDT ROAD DEFERRED TO SITE PLAN, AS
TRANSPORTATION STAFF RECOMMENDED.**

SUMMARY

Wendy Rhoades gave Staff presentation.

Commissioner Rabago – I want to emphasize how important the H&H Ballroom is to the Latino community who has relied on this location for numerous family affairs; it is imperative that this location is given sincere and absolute consideration for ensuring that for any residence that are expect to purchase these homes, are not planning to..... I want to make sure that this business in not impacted negatively in the future. I want the homeowners to realize who was there first; this is a crucial location for the cultural activities that occur there. I feel that there should have been major communication with the owner of this business about what is going to be built there; so that people know what to expect from this ballroom, when they purchase these homes and live in the community. I do not want the future owners of these homes complaining later that this ballroom is too loud, too close etc. I'm just afraid that there will be some serious issues down the road.

Commissioner Baker – I appreciate what you said Commissioner; what you're saying we can not do anything about, but I will say that they are not building homes, they are building apartments. So maybe the apartment managers can make the renters aware of the uses surrounding the apartment complex.

Commissioner Rabago – Just for the record; the owner of the H&H Ballroom is here tonight.

Nikelle Meade, applicant – This is a apartment development; I apologized to Mr. Reyes for not contacting him earlier; I did give him my card this evening and stated that we can sit down and have a discussion before we start construction. We have been aware of that use and we do not think it is incompatible; we are looking at how we can screen the apartments from the ballroom. We do not plan on running off this business and I think it is not incompatible.

Commissioner Martinez – This business is a location where there are bands playing and at times there's 400 to 500 cars outside; our concern is that the applicant be aware of that, so that when they design the apartments, they don't create a problem for themselves and for the people who

are going to rent those apartments. There is going to be noise coming from this location and a lot of traffic on the weekend.

Commissioner Rabago – When people open the door at the ballroom, loud music will escape from this location and I do not want for people to complain later that it is too loud and they start raising the issue of having the ballroom close earlier etc. I do not want those issues to occur, so how do we know if and when the renters will accept that.... It's like taking a chance with a residential development nearby.

Ms. Meade – It is in their owner's interest to keep his tenants, so I'm sure he will be willing to work out any issues with Mr. Reyes.

Commissioner Hammond – This is an unusual case, I'm sure the owners of the ballroom are aware of all the City Ordinances.

Commissioner Jackson – They are outside the City; it is not in our scope to do anything about the noise... because they are out of the City Limits.

Ms. Meade – They do have County Sheriff's out who monitor the noise level and provide security.

Commissioner Baker – You might ask the developer to put up a sound barrier or a wall, trees etc.

Ms. Meade – I agree; a way where it doesn't look bad; add landscaping etc.

Mr. Hector Reyes, owner of H&H Ballroom – We do not oppose the project in any way; we would just like to work with the land owner and be notified in the future. We do have shows outside the ballroom and have fundraising events outdoors; we have records of our sound decibels if there are any concerns.

Commissioner Baker – So you just want to be absolutely sure that everyone knows what your business does and what is involved, correct?

Mr. Reyes – Correct.

Commissioner Martinez and Rabago moved to close the public hearing.

Commissioner Rabago – I move to approve Staff's recommendation.

Commissioner Martinez – Second.

Motion carried.